CWP No. 547 of 2005.

9.5.2007 Present: Mr. Sandeep Kaushik, Advocate, for the petitioner.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for respondents 1 and 3.

Mr. P.M. Negi, Deputy Advocate General, for respondent No.2.

The dispute in this case mainly was based upon the interpretation, which the petitioner placed upon Section 6(1) of the Dentists Act, 1948. It reads thus:-

> "6. **Term of office and casual vacancies**. - (1) Subject to the provisions of this section an elected or nominated member shall hold office for a term of five years from the date of his election or nomination or until his successor has been duly elected or nominated, whichever is longer.
>
> Provided that a member nominated under clause (e) or clause (f) of section 3, shall hold office during the pleasure of the authority nominating him."

The petitioner's contention was that he having been elected in terms of Section 3(a) of the Act on 13th November, 1999 even though for a period of five years was to hold on to his office until his successor was elected as per the aforesaid provision of law.

In terms of the Court order dated 24th April, 2007 the Additional Secretary (Home), Government of Himachal Pradesh has filed his supplementary affidavit in which inter alia he has stated that the State intends to conduct the election in terms of Section 3(a) supra with the permission of this Court. In para 6 of the affidavit the entire schedule of the proposed election has been also indicated.

In view of the filing of the aforesaid affidavit, Mr. Sandeep Kaushik, learned Counsel appearing for the petitioner, submits that he has instructions to withdraw this petition provided this Court itself also issues a

binding direction to the respondents for the conduct of the election.

The petition is dismissed as withdrawn. Interim order issued on 30th May, 2005 shall stand vacated immediately and forthwith, the moment the election process is completed. The State Government is directed to ensure that the election process gets underway between 10th May, 2007 to 12th May, 2007 by the issuance of a notification for the appointment of a Returning Officer and that it is completed by 17th June, 2007 after going through the schedule of events as proposed in para 6 of the affidavit of the Additional Secretary supra. The petition is dismissed.

**CMP No. 1758 of 2006.**

No order, in view of the order passed in the main petition. This application is disposed of.

May 9, 2007 **(V.K. Gupta), C. J.**
(rc)